

*DRAFT*

*December 18, 2006*

**NEVADA STATE IMPLEMENTATION PLAN**

for

**INTERSTATE TRANSPORT**

**TO SATISFY THE REQUIREMENTS OF CLEAN AIR ACT  
110(a)(2)(D)(i)  
FOR THE 8-HOUR OZONE AND PM<sub>2.5</sub> NAAQS  
PROMULGATED IN JULY 1997**

## NEVADA STATE IMPLEMENTATION PLAN FOR INTERSTATE TRANSPORT

### A. Introduction

The Clean Air Act §110(a)(2)(D)(i) requires that each state implementation plan (SIP) submitted to EPA must contain adequate provisions to address emissions that contribute significantly to other states through interstate transport. In addition, states must ensure that no SIP interferes with another state's program to prevent significant deterioration of its air quality or another state's measures to protect visibility.

On April 25, 2005, EPA published (70 FR 21147) a finding that states had failed to submit SIPs meeting the requirements of 110(a)(2)(D)(i) within three years after EPA issued new National Ambient Air Quality Standards (NAAQS) for ozone and PM<sub>2.5</sub> in 1997. The finding requires that EPA issue a Federal Implementation Plan for any state that does not submit a SIP and obtain EPA approval of it by May 25, 2007.

On August 15, 2006, EPA issued final guidance to states for preparation of SIPs that satisfy the 110(a)(2)(D)(i) requirements, and on September 11, 2006 added a supplement to the guidance.

There are four components of 110(a)(2)(D)(i) that must be addressed. The first two are discussed together in Part B below and address Nevada's potential to interfere with attainment or maintenance of the federal NAAQS in any other state. The requirement that Nevada show no interference with another state's program to prevent significant deterioration of its air quality is found in Part C below. Response to the requirement related to protection measures for visibility is found in Part D below.

### B. Nonattainment and Maintenance Area Impact

The "good neighbor" provisions of §110(a)(2)(D)(i) require that state SIPs prohibit,

*... any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will--*  
*(1) contribute significantly to nonattainment in, or interference with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard . . .*

To demonstrate that emissions from Nevada do not contribute to nonattainment or interfere with maintenance of the PM<sub>2.5</sub> standards issued in 1997, Nevada relies on the modeling work conducted by EPA to determine which states should be included in the Clean Air Interstate Rule (CAIR). Nevada is not subject to the CAIR. EPA's CAIR analysis identified states contributing significantly to nonattainment of PM<sub>2.5</sub> and ozone in adjacent states:

"In analyzing significant contribution to nonattainment, we determined it was reasonable to exclude the Western U.S., including the States of Washington, Idaho, Oregon, California, Nevada, Utah and Arizona from further analysis due to geography, meteorology, and topography. Based on these factors, we concluded that the PM 2.5 and 8-hour ozone nonattainment problems are not likely to be affected significantly by

pollution transported across these States' boundaries. Therefore, for the purpose of assessing State's contributions to nonattainment in other States, we have only analyzed the nonattainment counties located in the rest of the U.S."<sup>1</sup>

Furthermore, there are no PM<sub>2.5</sub> nonattainment and maintenance areas downwind from Nevada. With prevailing winds out of the south to west, the California nonattainment areas are directly upwind from Nevada (see Appendices A and B). Based on this information and the conclusions stated by the EPA in the above-cited information, the State of Nevada agrees that PM<sub>2.5</sub> emissions from Nevada do not significantly affect nonattainment or maintenance areas in other states.

The State of Nevada evaluated the nonattainment areas for ozone in Phoenix and southern California (see map in Appendix C). The Phoenix area is 300 miles from Las Vegas in a southeasterly direction; the southern California ozone nonattainment area is to the south west of Las Vegas. Wind data from the Phoenix Skyport International Airport for 1995 through 2002 show that the prevailing winds come from the west and the east (see Appendix D). Meteorological data at the McCarran International Airport in Las Vegas indicates that the prevailing winds are from the southwest. We can assume that winds leaving the Las Vegas area would blow northeast or easterly, neither toward Phoenix nor southern California. Thus, based on this information and EPA's conclusions in the CAIR, the State of Nevada agrees with EPA that emissions from Nevada do not significantly affect any ozone nonattainment areas in neighboring states.

In addition, the Clark County Department of Air Quality and Environmental Management is currently working on an update of their ozone nonattainment SIP. This SIP will include control strategies that will further reduce ozone emissions and likewise reduce any slight potential for influence that may exist on any of these areas. This submittal is due no later than June 15, 2007.

Based on all this information, the State of Nevada believes, and agrees with EPA, that ozone emissions from Nevada do not significantly affect the nonattainment areas in Phoenix or southern California.

## C. Impact on PSD

In § 110(a)(2)(D)(i)(II), the Clean Air Act requires that states prohibit emissions within the state from interfering,

*" . . . with measures required to be included in the applicable implementation plan for any other State under part C of this subchapter to prevent significant deterioration of air quality . . . "*

EPA guidance indicates that states with preconstruction permitting programs which implement Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) have adequately demonstrated that they do not affect PSD implementation in other states.<sup>2</sup>

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<sup>1</sup> See "Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Interstate Air Quality Rule); Proposed Rule," 69 FR at 4581, January 30, 2004, Preamble, first full paragraph, middle column.

<sup>2</sup> SIP Guidance on Section 110(a)(2)(D)(i), August 15, 2006, pages 6- 8.

Nevada has a delegated PSD program and regulations for NNSR. Nevada has implemented these programs for many years. EPA indicates<sup>3</sup> that it will be establishing schedules for SIP submissions that incorporate revisions to EPA's preconstruction permitting regulations which are specific to the 8-hour ozone and PM<sub>2.5</sub> NAAQS. When that occurs, Nevada will revise its SIP accordingly. In the meantime, Nevada will implement its current regulations and PSD delegation in accordance with EPA's interim guidance which says that states may use PM<sub>10</sub> as a surrogate for PM<sub>2.5</sub> in their PSD and NNSR programs.

Based on the conclusions stated by the EPA in their August 15, 2006 guidance, the State of Nevada concludes that Nevada's PSD delegation and NNSR permitting program ensure that Nevada does not interfere with PSD implementation in other states.

#### **D. Effects on Visibility**

The final requirement of § 110(a)(2)(D)(i)(II) is that states prohibit emissions within the state from interfering with the measures of other states to protect visibility. EPA has issued two regulations dealing with visibility: the 1980 regulations which deal with emissions from one or a small number of sources; and the 1999 regulations which address regional haze. Nevada relies on EPA's finding with respect to the 1980 regulations that, ". . . EPA has made no determination that emissions from any State interfere with measures required to be included in a plan to address reasonably attributable visibility impairment."<sup>4</sup>

With respect to the 1999 regional haze regulations, Nevada is required to submit a Regional Haze SIP on December 17, 2007. The State of Nevada is working with the Western Regional Air Partnership including associated states and stakeholders to prepare a SIP to address EPA's Regional Haze regulations (64 FR 35714, July 1, 1999).

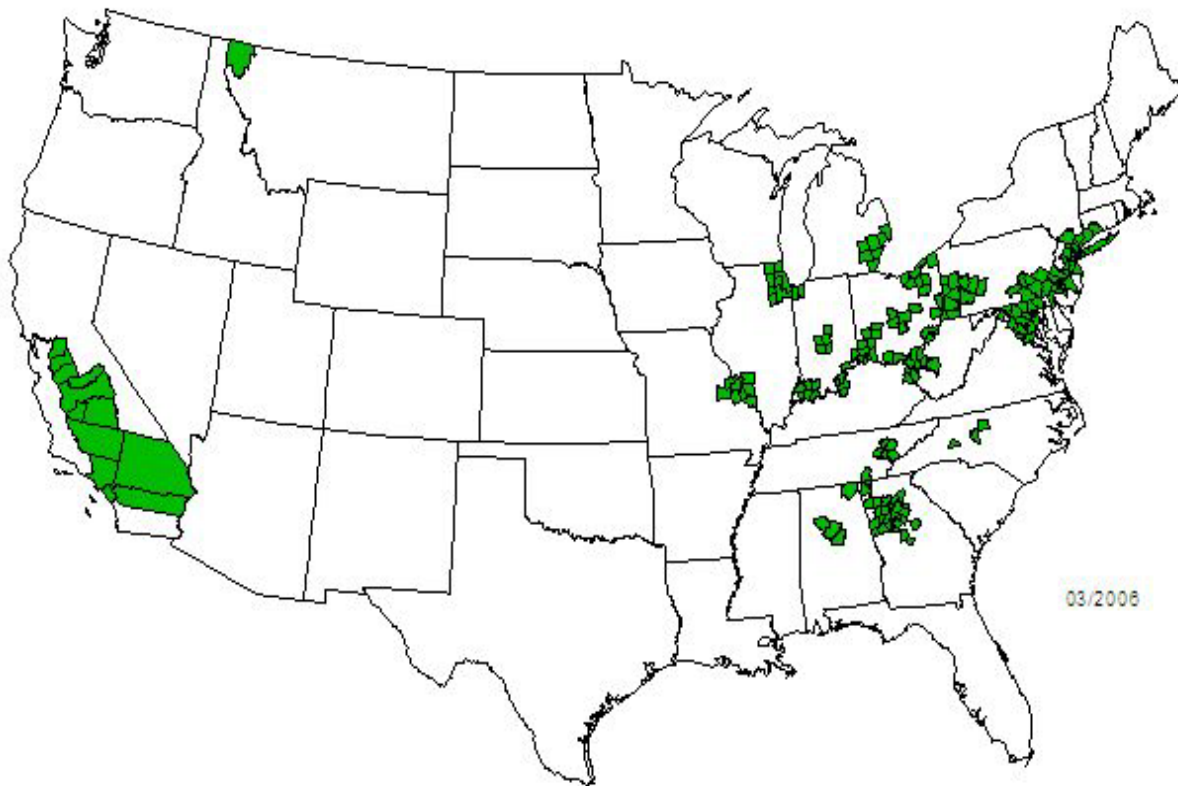
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<sup>3</sup> *SIP Guidance on Section 110(a)(2)(D)(i), August 15, 2006, page 6.*

<sup>4</sup> *SIP Guidance on Section 110(a)(2)(D)(i), August 15, 2006, page 9.*

Appendix A

### Counties Designated Nonattainment for PM-2.5

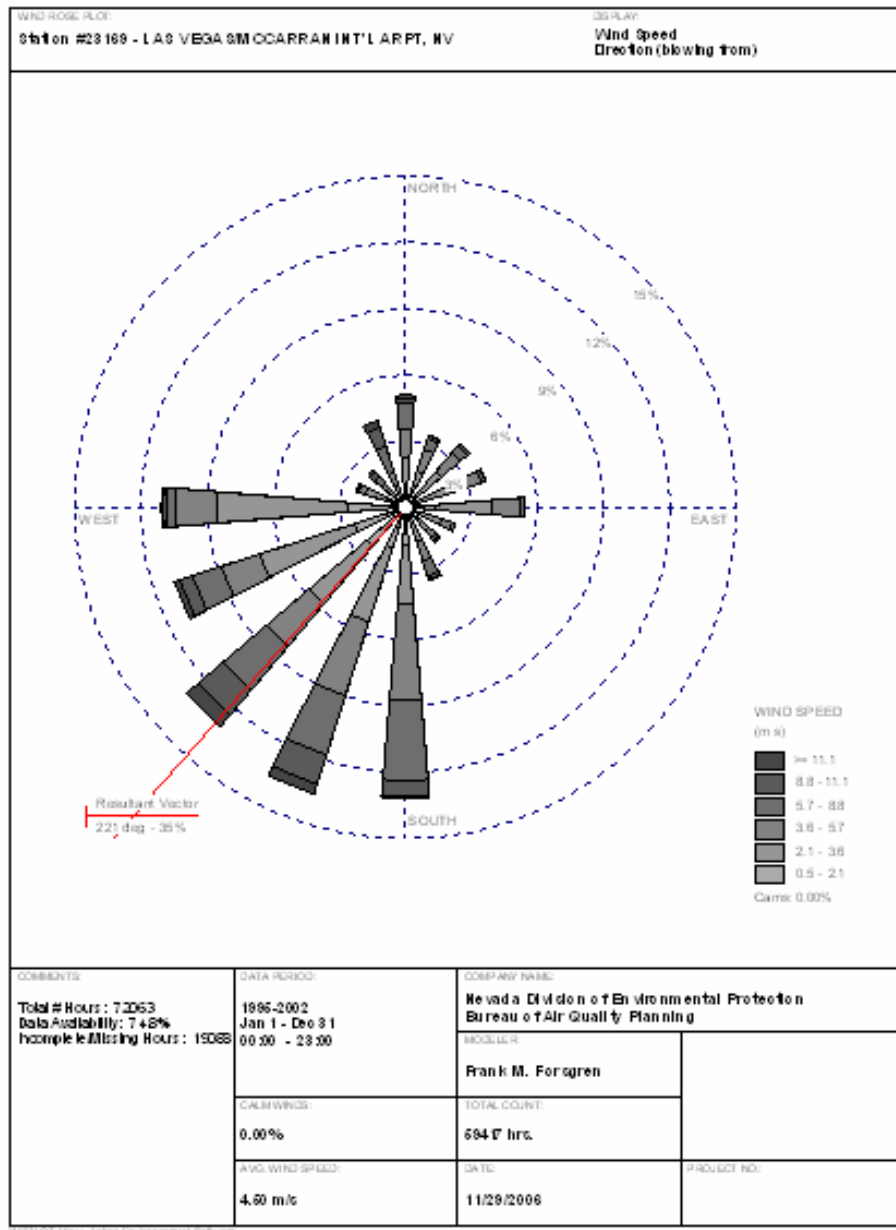


Partial counties are shown as whole counties

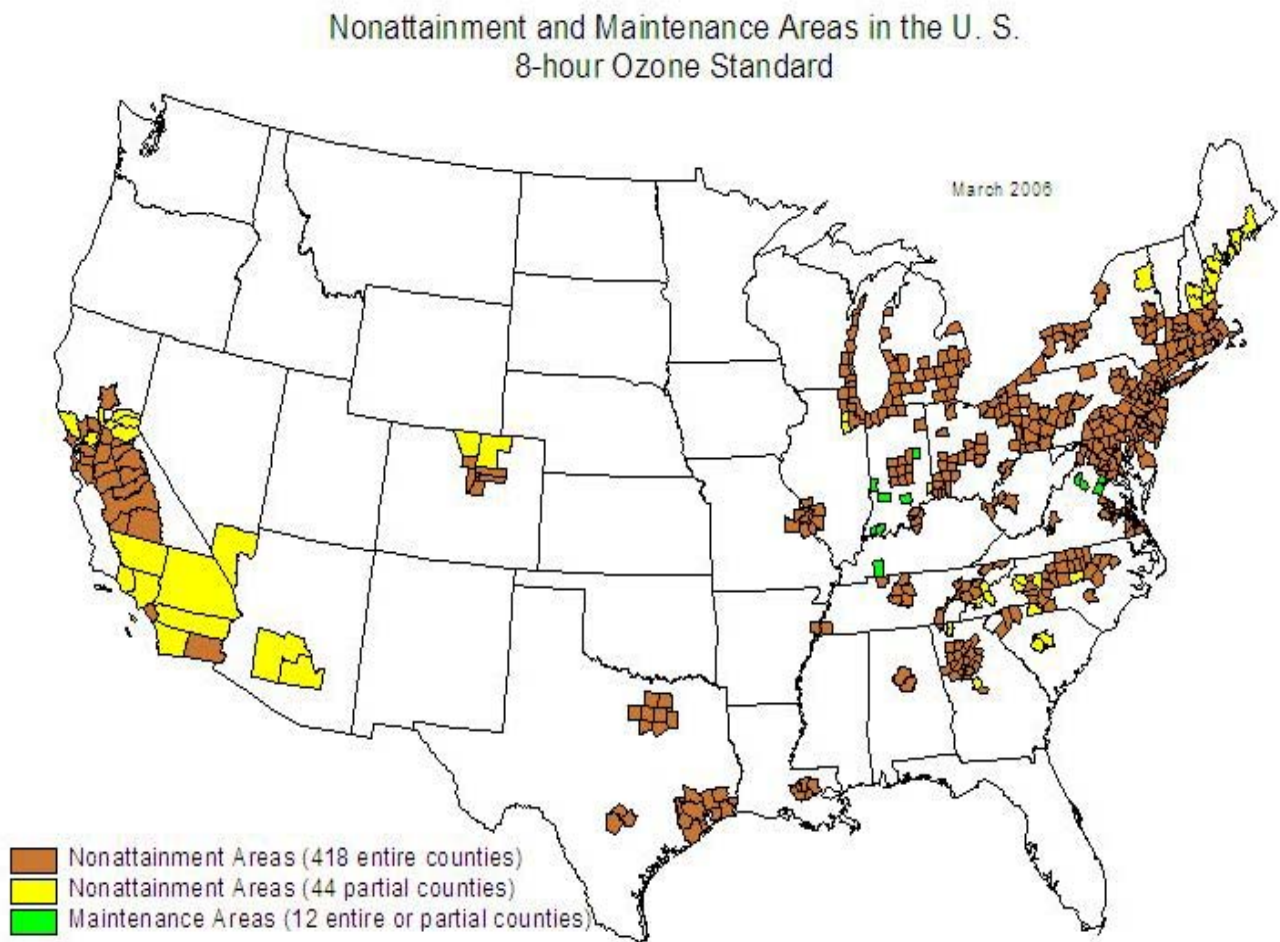
Ref: <http://www.epa.gov/oar/oaqps/greenbk/mappm25.html>

## Appendix B

## McCarran International Airport, Las Vegas Wind Rose, 1995-2002



Appendix C



Ref: <http://www.epa.gov/oar/oaqps/greenbk/map8hrnm.html>

## Appendix D

## Sky Harbor International Airport, Phoenix Wind Rose, 1995-2002

